

REMARKS

This Amendment is in response to the Office Action mailed 06/16/2006. In the Office Action, the Examiner rejected claims 1-60 under 35 U.S.C. § 101. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Summary of Telephonic Interview

It is noted that the Examiner contacted applicant's attorney on 05/30/2006 to advise the applicant that recent changes in Office policy led to a reversal of the previous allowance of claims. A draft proposal was sent to the Examiner via facsimile on 05/31/2006. The telephonic interview was concluded on 06/01/2006. The following summary is to provide a complete and proper recordation of the substance of the interview:

(A) applicant submitted a Supplemental Amendment in draft form for the Examiner's comments;

(B) claims 1-60 were discussed;

(C) no specific prior art was discussed;

(D) the Examiner proposed amending claim 1 to include the elements of claim 3 to provide a concrete result of performing the claimed method, making similar amendments to the remaining independent claims, amending claims 21-30 and 51-60 to claims a computer system, and amending claims 11-20 and 41-50 to claim a computer storage medium;

(E) the Examiner stated that recent changes in Office examination guidelines make claims that do not produce a concrete result unallowable and make claims directed to computer software embodied in a carrier signal unallowable;

(F) no other pertinent matters were discussed;

(G) no agreement was reached as to any matter; and

(H) no part of the interview was conducted via electronic mail.

Rejection Under 35 U.S.C. § 101

7. The Examiner rejects claims 1-60 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter, and the claimed invention lacks patentable utility.

Regarding claim 1, the Examiner asserts that the recitation of 'determining' and 'detecting' in claim 1 accomplishes no concrete action or utility. The Examiner has recommended adding the purpose of the invention (utility), and the actions performed after the 'determining' and the 'detecting' to the independent claims, such as to combine dependent claims 2, 3, and 4 into independent claim 1.

Applicant has considered the Examiner's recommendation and has added -- translating a block of code from a source architecture that supports multiple-format registers to a target architecture that does not-- to the preamble to provide a stated purpose of the invention. Applicant considers dependent claim 8 to better define concrete actions accomplished by the claimed invention, namely emitting a target instruction sequence, emitting a block inconsistency check code, and emitting a format update code. Applicant has amended claim 1 to include the elements of dependent claim 8 and cancelled claim 8.

8. The Examiner rejects claims 11, 21, 31, 42, and 51 under 35 U.S.C. § 101 as being directed to nonstatutory subject matter for the same reasons set forth in the rejection of Claim 1.

Applicant has amended claims 11 and 21 to provide a stated purpose of the invention and to include concrete actions accomplished by the claimed invention from dependent claims 18 and 28, which have been cancelled.

Applicant has amended claims 31, 42, and 51 to provide a stated purpose of the invention and to include concrete actions accomplished by the claimed invention corresponding to dependent claims 8, 18, and 28, and as disclosed in the specification as filed in paragraph [0048].

9. The Examiner rejects claims 2-10, 12-20, 22-30, 32-40, 42-50, and 52-60, which depend from claims 1, 11, 21, 31, 41, and 51, for the same reasons.

Applicant relies on the patentability of the claims from which these claims depend to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional elements recited.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-60 under 35 U.S.C. § 101 as lacking patentable utility.

Amendments to the Claims

Applicant has amended claims 21-30 and 51-60 to replace "system" with --computer system-- as requested by the Examiner during the telephonic interview.

Applicant has amended claims 11-20 and 41-50 to direct the claims to, "An article of manufacture comprising one of a processor readable medium and a computer data signal..." Applicant respectfully submits that the proper construction of these claims is as claims to that subset of articles of manufacture that comprise one of a processor readable medium and a computer data signal as defined by the specification, i.e. any mechanism that provides the program code or code segments to perform the necessary tasks in a form readable by a machine. To the extent that the specification may provide examples of machine-accessible media that are not articles of manufacture, it is the applicant's position that such examples are not claimed. For the purpose of providing a record that gives clear notice of the scope of the invention that the applicant claims, applicant intends to claim the broadest scope of machine-accessible media permissible at the time the claims are construed, namely any article of manufacture that provides information in a form readable by a machine.

Conclusion

Applicant reserves all rights with respect to the applicability of the doctrine of equivalents. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. If any other petition is necessary for consideration of this paper, it is hereby so petitioned. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Dated: September 18, 2006

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